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AUG 17 1983

STATE DOCUMENTS

GARY R. BAKER
EXECUTIVE DIRECTOR

State of South Carolina State Ethics Commission NEWSLETTER

(803) 758-7408
SCN Center, Ste. 930
1122 Lady Street
Columbia, S.C. 29201

July 1983

No. 84-001

WALKER AND WEBBER APPOINTED TO COMMISSION

S. Anne Walker of Sumter and Dr. Clemmie E. Webber of Orangeburg were recently appointed to the State Ethics Commission for four year terms. Walker replaces Frances Daniel of Rock Hill while Webber replaces Dr. Leola Adams, also of Orangeburg.

Walker, a graduate of Lander College and U.S.C., is the Assistant Dean of Continuing and Community Education at Sumter Area TEC. A candidate for the House of Representatives in 1980, Walker is extensively involved in professional and civic organizations in both the Columbia and Sumter areas. She is married and has one child.

Webber recently retired as a Professor of Science Education at South Carolina State College. She has served as Chairman of the Orangeburg #5 School Board and President of the S.C. School Boards Association. She was named as National Mother of the Year, having reared three children, all of them receiving or working on graduate degrees. She has been active in various civic and professional groups.

ADAMS AND DANIEL DESIGNATED PALMETTO LADIES

Governor Richard Riley has designated Leola Adams and Frances Daniel as Palmetto Ladies for their distinguished service on the State Ethics Commission. The two Commissioners who completed their four year terms the end of May were presented the Order of the Palmetto by Governor Riley.

ETHICS GUIDE ENCLOSED

Enclosed as an insert to this newsletter is a copy of the GUIDE TO THE SOUTH CAROLINA STATE ETHICS ACT. The Guide summarizes the major provisions of the law, and lists the rules of conduct

COMPLAINT ACTION

At its May 17 meeting, the State Ethics Commission reprimanded Connie Johnson, a former secretary in the Myrtle Beach Building Department, for using her public office for personal financial gain. The Commission dismissed charges against three other former employees for allegedly using their public offices for personal financial gain. Jim Dunn, 15th Judicial Circuit Solicitor, filed the complaints.

The Commission determined that Connie Johnson violated the State Ethics Act in temporarily diverting public monies maintained in a "kitty fund" obtained from late fees and testing fees to her personal use. The funds were later repaid by Mrs. Johnson, however the management procedures of the Myrtle Beach Building Department were inadequate to provide fiscal accountability for the fees. In a written reprimand, the Commission recognized Mrs. Johnson's admitting her involvement and cooperating fully with the Commission in its investigation and hearing. The Commission further noted it has a mandate to reduce this type of activity among public officials and employees within South Carolina.

The allegations against Gary Wiggins, Donald Cayce, and Paul Eubanks, former employees of the Myrtle Beach Building Department, were dismissed. There was insufficient evidence to support the charges that they utilized their public positions to obtain personal financial gain.

which apply to all public officials and public employees. If you did not receive a copy of the insert, please contact the Commission office. Copies of the insert may be made easily and distributed to other offices.

DIGEST OF ADVISORY OPINIONS

Opinion: 83-042

March 29, 1983

SUBJECT: BEER DISTRIBUTOR SPONSORING PISTOL MATCHES

It is not prohibited for a beer distributor to supply awards or consideration to obtain awards to the SC Police Combat Pistol League in sponsoring pistol matches.

Requestor: W.E. Schaekel, President
Entity: SC Police Combat Pistol League

Opinion: 83-043

May 17, 1983

SUBJECT: CAMPAIGN DISCLOSURE BY OUT-OF-STATE PAC

An out-of-state PAC may file a copy of its Illinois State Board of Elections report with the State Ethics Commission provided that all contributors of more than \$100 are itemized as well as all expenditures.

Requestor: John F. Schlafly, Jr.
Entity: Eagle Forum PAC

Opinion: 83-044

May 17, 1983

SUBJECT: DEVELOPMENT BOARD MEMBERS SERVING ON BOARDS OF BUSINESSES

Members of the State Development Board should weigh closely the interests of a corporation which offers them an invitation to serve on their board. Members should determine whether the Development Board has had matters, has matters, or contemplates matters involving such a corporation to insure that any offer is not a means of obtaining improper influence.

Requestor: Max M. Heller, Chairman
Entity: State Development Board

Opinion: 83-045

May 17, 1983

SUBJECT: DEVELOPMENT BOARD DIRECTOR APPOINTED TO CORPORATION BOARD OF DIRECTORS

The Executive Director of a county development board was advised not to accept a position on the board of a corporation which is considering locating in that county.

Requestor: Thomas O. Lawton, Jr., Attorney
Entity: Allendale, SC

Opinion: 83-046

May 17, 1983

SUBJECT: POTENTIAL CONFLICT OF INTERESTS - STATE CONSTABLE AND PRIVATE DETECTIVE/PRIVATE SECURITY

The Chief of the State Law Enforcement Division was advised that a private detective/private security owner or manager should not be commissioned as a constable due to the availability of official information of a confidential nature which would be available to him.

Requestor: Chief J.P. Strom
Entity: SLED

Opinion: 83-047

May 17, 1983

SUBJECT: FIRE DISTRICT COMMISSIONER SERVING AS PAID DISTRICT EMPLOYEE

The State Ethics Act does not prohibit a member of a fire district commission from applying for and accepting a paid position with the fire department. The Commission expressed concern over the master-servant relationship and advised that, if the person is required to frequently disqualify himself in accordance with Section 8-13-460, he should consider resignation from one position or the other.

Requestor: William T. Hunter, Chairman

Entity: Hilton Head Island Fire District

Opinion: 83-048

May 17, 1983

SUBJECT: COUNTY PAYING FOR INSTALLATION AND SERVICE OF TELEPHONE IN COUNCILMAN'S HOME

There does not appear to be any prohibition against a county paying for installation and service of a separate telephone in a councilman's home provided it is used strictly for county business.

Requestor: Robert M. Bell

Entity: Aiken County Attorney

Opinion: 83-049

May 17, 1983

SUBJECT: POTENTIAL CONFLICT OF INTERESTS - SCHOOL BOARD CANDIDATE'S WIFE SEEKING POSITION WITH DISTRICT

The State Ethics Act would not prohibit the wife of a prospective school board member from applying for and being hired as a school teacher in the district provided the board member follows the procedures of Section 8-13-460. The board member was also advised of the procedures for hiring of members of the household as outlined in Section 59-25-10.

Requestor: Hon. Alex Harvin, III

Entity: Member, House of Representatives

Opinion: 83-050

May 17, 1983

SUBJECT: YOUTH SERVICES BOARD MEMBER ASSOCIATED WITH AGENCY COUNSEL

A member of the Youth Services Board would be required to follow the procedures of Section 8-13-460 in matters involving the employment, retention, or other matters involving the board's legal counsel with whom she is associated in the capacity of "Of Counsel" on matters not involving that department.

Requestor: Gloria Y. Leevy

Entity: Member, Youth Services Board

Opinion: 83-051

May 17, 1983

SUBJECT: DHEC EMPLOYEE RECEIVING EXPERT WITNESS FEE

An employee of DHEC may accept a fee for testifying as an expert witness in a matter which is not part of his position responsibilities and when he testified on his own time.

Requestor: David Cullum, Safety Consultant

Entity: DHEC

Guide to the South Carolina State Ethics Act

The State Ethics Act was enacted in May 1975 to reduce conflicts of interest among public officials and public employees to the extent possible.

The law:

*provides for three agencies to administer the law:
State Ethics Commission
Senate Ethics Committee
House of Representatives Ethics Committee

*provides a code of conduct to prohibit public officials and employees from being involved in certain conflicts of interests

*provides for the filing of financial disclosure statements by certain public officeholders and for public inspection of these statements

*provides for filing of campaign finance statements by candidates and committees and for public inspection of these statements

*provides for advisory opinions to be issued on questions involving the law

*provides for procedures for participation by citizens in the enforcement of the law

STATE ETHICS COMMISSION

The State Ethics Commission is composed of six members, one appointed from each Congressional District by the Governor. The House of Representatives and Senate must approve the appointments.

The Commission also maintains a four-member staff with offices located in the SCN Center, Suite 930, 1122 Lady Street, Columbia, SC 29201. Telephone (803) 758-7408

APPLICABILITY

The State Ethics Act applies to all public officials and public employees of the State and political subdivisions, with the exception of members of the judiciary. Candidates for public office and committees or groups working on behalf of candidates are also covered by the law.

STATEMENT OF ECONOMIC INTERESTS

Who Must File

- *All elected officials
- *All candidates for public office
- *Persons appointed to fill unexpired terms of otherwise elective offices
- *Employees of regulatory agencies who are associated with regulated businesses
- *Salaried members of state boards, commissions, and agencies
- *Chief administrative official of each state agency or department, and of each county, municipality, and political subdivision
- *Deputy administrative official of each state agency or department
- *Directors of each separate institution or facility of a state agency or department
- *The chief finance official and chief purchasing official of each state agency or department, and each county, municipality, or political subdivision
- *All county board of education and school district board members
- *All county and school district superintendents of education

What is Filed

A Statement of Economic Interests Form which provides for disclosure of:

- *Compensation from state and local public agencies
- *Benefits received from public agencies
- *Associations with regulated businesses
- *Business transactions with public agencies
- *Real estate interests which could conflict with the officeholder's position
- *Gifts from lobbyists exceeding \$100
- *Purchases of goods or services by a lobbyist of more than \$200

When Filed

- *Prior to assuming the duties of the office
- *At the time of filing as a candidate
- *Prior to April 15 of each subsequent year

Where Filed

*Members of the General Assembly and candidates for the General Assembly file with the respective ethics committee

*All other persons are required to file with the State Ethics Commission, except members of the judiciary.

RULES OF CONDUCT

8-13-410. USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN.

(1) No public official or public employee shall use his official position or office to obtain financial gain for himself.

(2) No public official or public employee shall participate directly or indirectly in a procurement when he has knowledge or notice that:

(a) he or any business with which he is associated has a financial interest pertaining to the procurement;

(b) any other person, business, or organization with whom he or a member of his household is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(3) Where a public official or public employee or any member of his household holds a financial interest in a blind trust, he shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the appropriate supervisory office.

8-13-420. GIVING OR OFFERING COMPENSATION TO INFLUENCE ACTION OF PUBLIC OFFICIAL OR EMPLOYEE.

Whoever gives or offers to any public official or public employee any compensation to influence his action, vote, opinion or judgment as a public official or public employee or such public official solicits or accepts such compensation to influence his action, vote, opinion or judgment shall be subject to the punishment as provided by Sections 16-9-210 and 16-9-220 of the 1976 Code. The provisions of this section shall not apply to political contributions unless such contributions are conditioned upon the performance of specific actions of the person accepting such contributions nor shall they prohibit a parent, grandparent, or relative from making a gift to a child, grandchild or other close relative for love and affection except as hereinafter provided.

It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcon-

tractor or any person associated therewith, as an inducement for the award of a subcontract or order. The prohibition against gratuities and kickbacks prescribed in this paragraph shall be conspicuously set forth in every contract and solicitation therefor.

8-13-430. PAYMENT OR RECEIPT OF ADDITIONAL COMPENSATION FOR ASSISTANCE OF PUBLIC OFFICIAL OR EMPLOYEE IN COURSE OF HIS EMPLOYMENT.

No person shall offer or pay to a public official or public employee and no public official or employee shall solicit or receive any money in addition to that received by the public official or public employee in his official capacity for advice or assistance given in the course of his employment as a public official or public employee.

8-13-440. USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION FOR FINANCIAL GAIN.

No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his official position or activities in any way that would result in financial gain for himself or for any other person.

8-13-450. MEMBERSHIP ON OR EMPLOYMENT BY REGULATORY COMMISSION OF PERSON ASSOCIATED WITH REGULATED BUSINESS.

Unless otherwise provided by law, no person shall serve as a member of a governmental regulatory agency that regulates any business with which that person is associated. Any employee of such regulatory agency which regulates a business with which he is associated shall annually file a statement of economic interest notwithstanding the provisions of Section 8-13-810. No person shall be an employee of such regulatory agency which regulates a business with which he is associated if this relationship creates a continuing or frequent conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

8-13-460. ACTIONS TO BE TAKEN BY PUBLIC OFFICIAL OR EMPLOYEE WHERE A DECISION WOULD AFFECT HIS FINANCIAL INTEREST.

Any public official or public employee who, in the discharge of his official duties, would be required to take action or make a decision which would substantially affect directly his personal financial interest or those of a member of his household, or a business with which he is associated, shall instead take the following actions:

(a) Prepare a written statement describing the matter requiring action or decisions, and the nature of his potential conflict of interest with respect to such action or decision.

(b) If he is a legislator, he shall deliver a copy of such statement to the presiding officer of his legislative branch. The presiding officer if requested by the legislator shall cause such statement to be printed in the journal and, upon request, shall excuse a legislator from votes, deliberations, and other action on the matter on which a potential conflict exists; provided, however, any statement delivered within twenty-four hours after the action or decisions shall be deemed to be in compliance with this section.

(c) If he is a public employee, he shall furnish a copy to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take such action as prescribed by the State Ethics Commission. If the public official is a member of the governing body of any agency, commission, board, or of any county, municipality, or other political subdivision, he shall furnish a copy to the presiding officer and to the members of that governing body, who shall cause such statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists, and shall cause such disqualification and the reasons therefor to be noted in the minutes.

8-13-470. APPEARANCE BY PUBLIC OFFICIAL OR EMPLOYEE BEFORE CERTAIN COMMISSIONS.

No public official or public employee shall appear before the South Carolina Public Service Commission, the South Carolina Dairy Commission or the South Carolina Insurance Commission in rate or price fixing matters. This prohibition shall also apply to partners or associates in the law firm of a member of the General Assembly. Whenever it is required by law for a member of the General Assembly to appear because of his business interest as an owner or officer of such business or in his official capacity as a member of the General Assembly, the provisions of this section shall not apply.

8-13-490. OFFER BY PERSON IN REGULATED BUSINESS AND RECEIPT BY MEMBER OR EMPLOYEE OF REGULATORY COMMISSION OF ANYTHING OF VALUE; LIMITATION ON FORMER MEMBER OF COMMISSION SERVING AS LOBBYIST.

No person shall offer or give to a member or employee of a governmental regulatory agency or department that regulates a business with which such person is associated, and no member or employee of such agency or department shall solicit or accept from any such person, anything of value, or a favor or service, while the member or employee is associated with the regulatory agency or department. No former member or employee of such agency shall serve as a lobbyist or represent clients before such agency or department in matters in which he was directly or substantially involved while employed with such agency or department.

8-13-500. BREACHES OF ETHICAL STANDARDS.

(1) Except as may be permitted by regulations of the State Ethics Commission, it shall be a breach of ethical standards for any public employee or public official who is participating directly in the procurement process to resign and accept employment with any person contracting with the governmental body with whom the public employee or public official is associated.

(2) No person shall use a former public employee or public official knowingly to act as a principal or as an agent for anyone other than the State or other governmental entity with whom he was associated in connection with any judicial or other proceeding, application, request for a ruling, or other determination, contract, claim or charge or controversy in which the public employee or public official participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while such a public employee or public official where the State or governmental entity is a party or has a direct and substantial interest.

(3) It shall be a breach of ethical standards for a business, in which a public employee or public official has a financial interest, knowingly to act as a principal or as an agent for anyone other than the State or other governmental entity with which he is associated in connection with any contract, claim or controversy, or any judicial proceeding in which the public employee or public official either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the official's or employee's official responsibility, where the State or governmental entity is a party or has a direct and substantial interest.

CAMPAIGN DISCLOSURE FORM

Who Must File

- *All candidates for public office receiving or expending funds
- *Any committee working on behalf of a candidate which receives or expends funds for the support or defeat of a candidate or candidates
- *Any duly organized group or political party which receives or expends funds for the support or defeat of a candidate or candidates

What is Filed

A Campaign Disclosure Form which provides for disclosure of:

- *Totals of funds received or expended
- *A listing of the names, dates and amounts of all contributors of more than \$100
- *A listing itemizing all expenditures

When Filed

- *Within thirty days after each election, and
- *After the election within ten days after the end of each calendar quarter if funds are received or expended to pay election campaign debts

Where Filed

The Campaign Disclosure Form is filed with the same offices as required for the Statement of Economic Interests.

ADVISORY OPINIONS

Who May Request

Any public official, public employee, candidate for public office, or any other person to whom the law may reasonably appear to apply may request an advisory opinion.

How To Request

A letter addressed to the Commission office detailing the question based on either a real or hypothetical situation

How Issued

The Commission will generally issue an opinion at its next scheduled meeting after receipt of the request.

All opinions are numbered, dated, and published. The opinions, until amended or revoked, are binding on the Commission concerning the person who requested the opinion, unless material facts were omitted or misstated in the opinion request.

COMPLAINTS

Who may File a Complaint

Any person may file a complaint alleging a violation of the State Ethics Act.

Confidentiality of Complaints

All complaints are matters of confidentiality. Records of the complaint will be made public only after disposition by the State Ethics Commission.

How to File a Complaint

A complaint is filed on a Complaint Form which may be obtained from the Commission office.

Complaint Procedure

A copy of the complaint is promptly sent to the person alleged to have committed the violation. The Commission reviews the complaint and, if the complaint alleges facts sufficient to constitute a violation, a preliminary investigation is conducted utilizing other State agencies as may be requested. If the complaint does not allege facts sufficient to constitute a violation, the complaint will be dismissed and both parties notified.

If the Commission determines, after the preliminary investigation, that probable cause exists to support the complaint, a hearing will be convened giving at least thirty days notice after such a determination is made.

If a hearing is to be held, the alleged violator may examine and make copies of all evidence in the Commission's possession. The alleged violator is afforded due process protection, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. All hearings are conducted in executive session.

When to File a Complaint

A complaint must be filed within three years after the date of the alleged violation.

COMMISSION ACTION

The Commission can recommend administrative or disciplinary action or can refer the matter to the Attorney General's Office for criminal prosecution.

PENALTIES

Violation of the State Ethics Act is punishable by a fine up to \$1,000, up to ninety days imprisonment, or both.

The State Ethics Commission may impose oral or written warnings or reprimands.

The value of anything received in breach of the law may be recovered in a court action.

Contractors on public contracts may be debarred or suspended.

Published by: State Ethics Commission,
SCN Center, Suite 930, 1122 Lady Street,
Columbia, S.C. 29201 (803) 758-7408

July 1983

SUBJECT: CORONER APPOINTING BROTHER AS ASSISTANT CORONER

A county coroner was advised of an Attorney General's Office opinion which advised against appointment of employees of a funeral home as Deputy Coroners. While the brother would not be compensated for his service as assistant Coroner, it would not appear to violate Section 8-13-460 if he appointed his brother to the position. However, since the Coroner's brother is also a city councilman, he was advised to secure an opinion from the Attorney General's Office concerning dual officeholding.

Requestor: Hon. Douglas E. McTeer, Jr.
Entity: Member, House of Representatives

Opinion: 83-053 May 17, 1983

SUBJECT: DEPARTMENT OF EDUCATION EMPLOYEE AS CANDIDATE FOR SUPERINTENDENT OF EDUCATION

As long as an Education Department employee does not utilize public materials and equipment in campaigning and confines campaigning to other than normal working hours, he is not prohibited from engaging in political campaigning. He was further advised concerning the applicability of the Federal Hatch Act.

Requestor: Dr. Tom Parks, Supervisor
Entity: State Dept. of Education

Opinion: 83-054 May 17, 1983

SUBJECT: SCHOOL DISTRICT EMPLOYEE SERVING ON COUNTY BOARD OF COMMISSIONERS

A school district employee is not prohibited from serving on county council but he shall follow the procedures of Section 8-13-460 concerning the school district budget.

Requestor: James E. Benson, Superintendent
Entity: Barnwell School Dist. #45

Opinion: 83-055 May 17, 1983

SUBJECT: MAYOR'S BUSINESS APPLYING FOR HUD LOAN

A Mayor was advised against his firm applying for a HUD grant because of the potential conflicts of his dual relationship and his responsibilities as mayor to preclude the appearance of impropriety.

Requestor: Hon. Homer F. Gamble, Mayor
Entity: Town of Kingstree

Opinion: 83-056 May 17, 1983

SUBJECT: SCHOOL DISTRICT EMPLOYEE VOTING ON DISBURSEMENT METHOD OF SCHOOL FUNDS

An employee of a school district would not be prohibited from voting on a method of disbursement of school funds by the county treasurer's office to the school district since it would not financially benefit the employee.

Requestor: Joseph G. Wright, Jr.
Entity: Anderson County Attorney

Opinion: 84-001 July 19, 1983

SUBJECT: OFF-DUTY EMPLOYMENT OF HIGHWAY DEPARTMENT EMPLOYEE

An employee of the Highway Department may be employed on a

part-time basis with an auctioneering company providing services to businesses, public agencies, and individuals consistent with the off-duty employment guidelines. The auction company may not engage in any contract with a public agency in which the employee has participated as a public employee.

Requestor: Fred T. Moore
Entity: Moore Auction Co., Honea Path, SC

Opinion: 84-002 July 19, 1983

SUBJECT: COUNTY ATTORNEY ALSO SERVING AS PUBLIC DEFENDER

There are no prohibitions in the State Ethics Act against a county attorney also serving as a public defender. If allowed by other statutes to serve, he would be required to follow the procedures of Section 8-13-460 on matters requiring his actions as a county attorney which would affect his financial interests as a public defender.

Requestor: Daniel B. Causey, III, County Attorney
Entity: Darlington, SC

Opinion: 84-003 July 19, 1983

SUBJECT: DHEC EMPLOYEE PERFORMING CONSULTING WORK FOR FEDERAL AGENCY

An employee of the DHEC may engage in consulting work for a Federal agency consistent with the off-duty employment guidelines. The matter of a State agency directing agency income, generated from consulting work provided on state time, into the general fund is not within the purview of this Commission.

Requestor: Walton J. McLeod, III
Entity: DHEC, Columbia, SC

Opinion: 84-004 July 19, 1983

SUBJECT: ABC AGENT SERVING ON SHRINE CLUB BOARD

An agent for the ABC Commission may serve on the Board of Directors of a Shrine Club located in his district which possesses an ABC permit if the relationship does not pose a frequent or continuing conflict. The agent would be required to file a Statement of Economic Interest in accordance with Section 8-13-450.

Requestor: Nicholas P. Sipe, Executive Director
Entity: SC Alcoholic Beverage Control Comm., Columbia, SC

Opinion: 84-005 July 19, 1983

SUBJECT: REGULATORY BOARD MEMBERS RECEIVING STATE CONTRACT TO PERFORM SERVICES REGULATED BY BOARD

A member of a regulatory board which regulates his business may serve on that board if the authorizing legislation provides that such membership is contingent upon him being regulated by that board. If allowed by authorizing legislation to serve on such regulatory board, that official would not be prohibited from bidding on and receiving a state contract to perform services regulated by that board.

Requestor: Barbara A. McMillan, Director
Entity: Contracts and Audit Managements, Division of General Services, Columbia, SC

Opinion: 84-006 July 19, 1983

SUBJECT: CLEMSON TRUSTEE WITH POTENTIAL CONFLICT OF INTERESTS

There does not appear to be a conflict with a member of the

Board of Trustees at Clemson whose son-in-law and a Clemson faculty member intend to apply for a grant to study the causes of byssinosis. The son-in-law is not associated with Clemson, however, the fellow grant applicant has served as a consultant to the Clemson trustee's business firm.

Requestor: James C. Self

Entity: Greenwood Mills, Greenwood, SC

Opinion: 84-007

July 19, 1983

SUBJECT: BOARD MEMBER PROVIDING CONSULTANT SERVICE TO BOARD

A member of a county Commission on Alcohol and Drug Abuse is advised against contracting with the commission to provide counseling services to clients. Further, a person who is currently providing such services should not be appointed to the Board and continue to provide such services.

Requestor: Claude T. Wilson, Executive Director

Entity: Greenville County Commission on Alcohol and Drug Abuse
Greenville, SC

Opinion: 84-008

July 19, 1983

SUBJECT: COUNTY COUNCILMAN VOTING ON SCHOOL BUDGET WHEN WIFE IS PAID TOTALLY FROM FEDERAL FUNDS

A County Councilman whose wife is employed by the county school district is advised not to participate in deliberations and vote on the county school budget even though the county council does not vote on the special revenue Federal funds budget from which the wife would be paid.

Requestor: Ladson F. Howell, Beaufort, County Attorney

Entity: Beaufort, SC

Opinion: 84-009

July 19, 1983

SUBJECT: FRINGE BENEFIT - PAYMENT OF HEALTH INSURANCE COVERAGE AMOUNT

There does not appear to be any prohibition in the State Ethics Act against a county official receiving payment of the insurance premium amount from the county in lieu of health insurance coverage.

State Ethics Commission

SCN CENTER, STE. 930

1122 LADY STREET

COLUMBIA, S.C. 29201

Requestor: Joe R. Babb, Laurens County Council

Entity: Gray Court, SC

Opinion: 84-010

July 19, 1983

SUBJECT: GENERAL SERVICES EMPLOYEE ACCEPTING POSITION WITH TELE-COMMUNICATIONS VENDOR

A former employee of General Services may obtain employment with a potential vendor of State services provided the former employee had not participated personally and substantially in procurements involving such vendor.

Requestor: Larry L. Hamilton, Ph. D

Entity: Budget and Control Board, Division of General Services,
Columbia, SC

Opinion: 84-011

July 19, 1983

SUBJECT: REPORTING BY OUT-OF-STATE PAC

An out-of-state PAC is required to meet the same requirements as an in-state PAC in disclosing the names of all contributors of more than \$100 and itemizing all expenditures. The Federal Election Commission reports are acceptable for filing with the State Ethics Commission provided that contributors of more than \$100 are itemized as well as all expenditures.

Requestor: Ronald L. Gaffney, Attorney, Barnett & Alagia

Entity: Diarmen, Inc. PAC, Louisville, Kentucky

Opinion: 84-012

July 19, 1983

SUBJECT: SLED EMPLOYEE IN REGULATORY SERVICES DIVISION WITH SPOUSE REGULATED BY THAT DIVISION

An employee of the Regulatory Services Division of SLED whose spouse is owner of a regulated private security company would be prohibited from continuing such employment in the Regulatory Services Division by Section 8-13-450.

Requestor: Chief J.P. Strom

Entity: S.C. Law Enforcement Division, Columbia, SC

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